

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	0

MR. SPEAKER:

Your Committee on Public Health, to which was referred Senate Bill 224, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 12-12-8-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this
5 chapter, "consumer control" means, with respect to a center for
6 independent living or an eligible agency, that:
7 (1) the center or eligible agency vests power and authority in
8 individuals with disabilities, including individuals who are or have
9 been recipients of independent living services; **and**
10 **(2) at least fifty-one percent (51%) of the center's board and**
11 **staff are individuals with disabilities.**
12 SECTION 2. IC 12-12-8-5 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2005]: **Sec. 5. As used in this chapter, "commissioner"**
15 **means the commissioner of the Rehabilitation Services**

1 **Administration in the United States Department of Education.**

2 SECTION 3. IC 12-12-8-6 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2005]: **Sec. 6. As used in this chapter, "council" means the**
5 **statewide independent living council established by section 12 of**
6 **this chapter.**

7 SECTION 4. IC 12-12-8-7 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2005]: **Sec. 7. As used in this chapter, "federal act" refers**
10 **to the Federal Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and**
11 **amendments to that statute.**

12 SECTION 5. IC 12-12-8-8 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2005]: **Sec. 8. As used in this chapter, "individual with a**
15 **disability" means an individual who:**

- 16 (1) **has a physical or mental impairment that substantially**
17 **limits a major life activity;**
- 18 (2) **has a record of an impairment described in subdivision (1);**
19 **or**
- 20 (3) **is regarded as having an impairment described in**
21 **subdivision (1).**

22 SECTION 6. IC 12-12-8-9 IS ADDED TO THE INDIANA CODE
23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2005]: **Sec. 9. As used in this chapter, "individual with a**
25 **significant disability" means an individual who has a significant**
26 **physical or mental impairment that substantially limits the**
27 **individual's ability to:**

- 28 (1) **function independently in the family or community; or**
- 29 (2) **obtain, maintain, or advance in employment.**

30 SECTION 7. IC 12-12-8-10 IS ADDED TO THE INDIANA CODE
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2005]: **Sec. 10. As used in this chapter, "state plan" means**
33 **the materials jointly developed and submitted annually by the**
34 **division to the commissioner containing the state's proposals for the**
35 **following:**

- 36 (1) **The provision of statewide independent living services.**
- 37 (2) **The development and support of a statewide network of**
38 **centers for independent living.**

(3) Working relationships among:

(A) programs providing independent living services and independent living centers; and

(B) the vocational rehabilitation program administered by the division under the federal act and other programs providing services for individuals with disabilities.

SECTION 8. IC 12-12-8-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 11. The division is designated as the state unit under Title VII of the federal act and has the following responsibilities:**

(1) To receive, account for, and disburse funds received by the state under the federal act based on the state plan.

(2) To provide administrative support services to centers for independent living programs.

(3) To keep records and take actions with respect to the records as required by the commissioner.

(4) To submit additional information or provide assurances with respect to the independent living programs as required by the commissioner.

SECTION 9. IC 12-12-8-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12. (a) There is established a statewide independent living council as an entity within the division.**

(b) The council consists of at least twenty (20) members appointed by the governor, including the following:

(1) Each director of a center for independent living located in Indiana.

(2) Nonvoting members from state agencies that provide services for individuals with disabilities.

(3) Other members, that may include the following:

(A) Representatives of centers for independent living.

(B) Parents and guardians of individuals with disabilities.

(C) Advocates for individuals with disabilities.

(D) Representatives from private business.

(E) Representative of organizations that provide services for individuals with disabilities.

(F) Other appropriate individuals.

(c) The members appointed under subsection (b) must:

(1) provide statewide representation;

(2) represent a broad range of individuals with disabilities from diverse backgrounds;

(3) be knowledgeable about centers for independent living and independent living services; and

(4) include a majority of members who are not employed by a state agency or a center for independent living.

SECTION 10. IC 12-12-8-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) Each member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the council who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 11. IC 12-12-8-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) A member appointed to the council by the governor serves a term of three (3) years, beginning on July 1 after appointment. However, a member appointed to fill a vacancy on the council serves for the remainder of the unexpired term.

(b) A member appointed to the council by the governor may not serve more than two (2) consecutive terms.

SECTION 12. IC 12-12-8-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. If a vacancy occurs among the voting members of the council, the original appointing authority shall appoint a qualified individual to serve for the unexpired term

1 of the vacating member.

2 SECTION 13. IC 12-12-8-16 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2005]: **Sec. 16. (a) The council has the**
5 **powers and duties specified in this chapter.**

6 **(b) The council may do the following:**

7 **(1) Jointly develop and sign the state plan in conjunction with**
8 **the designated state unit.**

9 **(2) Monitor, review, and evaluate the implementation of the**
10 **state plan.**

11 **(3) Coordinate activities with the state rehabilitation council**
12 **and other councils that address the needs of specific disability**
13 **issues.**

14 **(4) Submit periodic reports to the funding sources and**
15 **provide access to the records that are necessary to verify**
16 **contents of the reports.**

17 **(5) Do other things necessary and proper to implement this**
18 **chapter.**

19 **(c) The council shall ensure that all meetings of the council are**
20 **open to the public and in accessible formats with sufficient advance**
21 **public notice.**

22 SECTION 14. IC 12-12-8-17 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2005]: **Sec. 17. The council and the division**
25 **shall jointly prepare the state plan that must be submitted annually**
26 **to the commissioner.**

27 SECTION 15. IC 12-12-8-18 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2005]: **Sec. 18. The council and the division**
30 **may award grants to any eligible center for independent living that**
31 **receives funds under Title VII, Part B of the federal act.**

32 SECTION 16. IC 12-12-8-19 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2005]: **Sec. 19. The council and the division**
35 **shall jointly appoint a peer review committee to make**
36 **recommendations for grants to new organizations eligible to be**
37 **centers for independent living.**

38 SECTION 17. IC 12-12-8-20 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2005]: **Sec. 20. A center for independent**
 3 **living is eligible to receive money under this chapter as long as the**
 4 **center complies with the standards and assurances required under**
 5 **Section 725 of the federal act. A center that receives only state or**
 6 **federal funds under Title VII, Part B of the federal act is subject to**
 7 **review by the division. A center that receives federal funds under**
 8 **Title VII, Part C of the federal act is subject to review by the**
 9 **federal government. A finding of noncompliance must be supported**
 10 **by a written report from the peer review committee appointed**
 11 **under section 19 of this chapter.**

12 SECTION 18. IC 12-12-8-21 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2005]: **Sec. 21. A center for independent**
 15 **living that receives money under this chapter shall comply with the**
 16 **standards and assurances required under the state plan and**
 17 **Section 725 of the federal act. The center for independent living**
 18 **shall provide the required assurances to the council.**

19 SECTION 19. IC 12-12-8-22 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2005]: **Sec. 22. (a) If:**

- 22 (1) **there is no center for independent living serving a region**
 23 **of Indiana or a region of Indiana is underserved; and**
 24 (2) **the state receives an increase in its federal allotment that**
 25 **is sufficient to support an additional center for independent**
 26 **living in Indiana;**

27 **the council and the division may award a grant to an eligible**
 28 **agency for a new center for independent living in the unserved or**
 29 **underserved region. A grant awarded under this section must be**
 30 **consistent with the provisions of the state plan establishing a**
 31 **statewide network of centers for independent living.**

32 **(b) The council shall rank eligible agencies applying for a grant**
 33 **under this section using the standards and assurances required**
 34 **under Section 725 of the federal act. The council shall consider the**
 35 **ability of the applicant to operate a center for independent living**
 36 **and shall select an applicant using the following criteria:**

- 37 (1) **Evidence of the need for a center for independent living in**
 38 **the applicant's region of Indiana that is consistent with the**

1 state plan.

2 (2) The past performance of the applicant in providing
3 services comparable to independent living services.

4 (3) The applicant's plan for complying with, or demonstrated
5 compliance with, the standards and assurances set forth in
6 Section 725 of the federal act.

7 (4) The quality of the applicant's key personnel and the
8 involvement of individuals with significant disabilities.

9 SECTION 20. IC 12-12-8-23 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) The division shall
12 periodically review each new center for independent living that
13 receives:

14 (1) money under Title VII, Part B of the federal act; or

15 (2) a grant under this chapter;

16 to determine whether the center is in compliance with the
17 standards and assurances set forth in Section 725 of the federal act.

18 (b) If the division determines that a center reviewed under
19 subsection (a) is not in compliance with the standards and
20 assurances set forth in Section 725 of the federal act, the division
21 shall immediately notify the center of the division's determination
22 of noncompliance. A center may appeal the determination by
23 requesting a hearing from the office of the secretary not later than
24 thirty (30) days after receiving notice from the division.

25 (c) Except as provided in subsection (d), the division shall
26 terminate all funds to a center determined to be in noncompliance
27 under this section not later than ninety (90) days after the date of:

28 (1) the division's notification of noncompliance; or

29 (2) a final decision by the office of the secretary in the case of
30 a center that appeals the division's determination under
31 subsection (b).

32 (d) The division may not terminate the funds of a center for
33 independent living that is determined to be noncompliant with the
34 standards and assurances set forth in Section 725 of the federal act
35 if:

36 (1) the center submits to the division a plan for achieving
37 compliance within ninety (90) days; and

38 (2) the division approves the plan.

1 **A plan required under this subsection must be submitted not later**
2 **than thirty (30) days after the center receives a notice of**
3 **noncompliance from the division under subsection (b).".**

4 Renumber all SECTIONS consecutively.
 (Reference is to SB 224 as printed January 14, 2005.)

and when so amended that said bill do pass.

Representative Becker